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LAWS

ESTABLISHING A

COMMON SCHOOL SYSTEM,

AND TO PROVIDE A

SCHOOL FUND

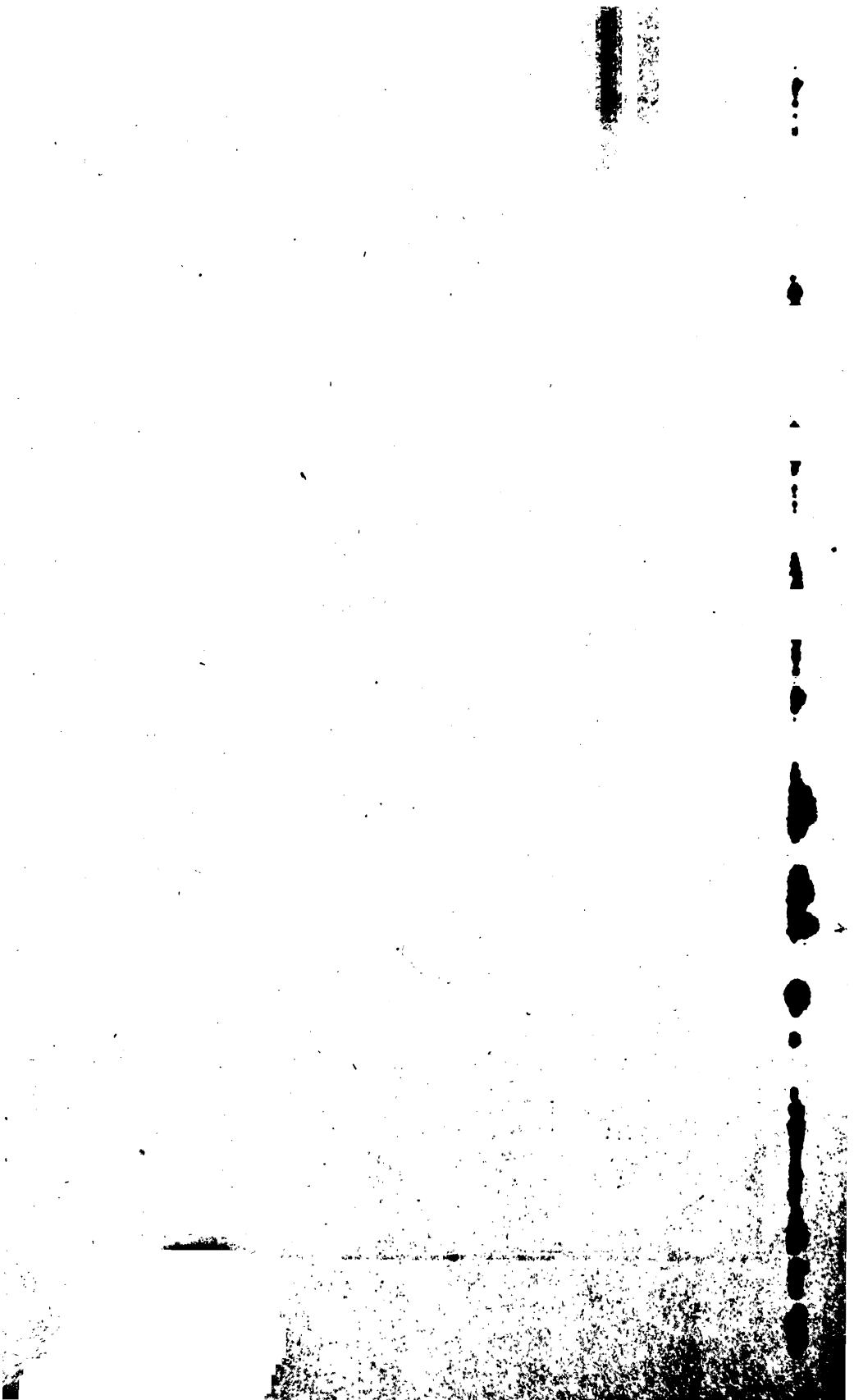
IN THE

STATE OF FLORIDA,

Passed at the Fourth Session of the General Assembly,

1848-9.

TALLAHASSEE:
OFFICE OF THE FLORIDA SENTINEL:
PRINTED BY JOSEPH CLISBY.
1849.



Fourth Session—1848-49.

ACTS

TO ESTABLISH A

COMMON SCHOOL SYSTEM,

AND TO PROVIDE A

SCHOOL FUND

IN

FLORIDA: - *General assembly (1848-49)*

PUBLISHED BY AUTHORITY OF A RESOLUTION OF THE GEN. ASSEMBLY.

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CHAPTER 229.—[No. 21.]

1848.

AN ACT to provide for the establishment of Common Schools in this State.

ARTICLE I.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the interest of the money arising from the sale of the sixteenth sections, and of all other money which has been appropriated to the support of common or public schools, shall be distributed amongst the several counties in the State in the manner hereinafter provided. Interest of money from sale of 16th sec'ns.

SEC. 2. *Be it further enacted,* That the Register of Public Lands shall be, by virtue of his office, superintendent of schools for the State. Superintend't of schools.

SEC. 3. *Be it further enacted,* That it shall be his duty, first : to make an annual report to the Governor, to be laid by him before the General Assembly, containing a statement of the condition of the schools of the State, the situation and expenditure of school moneys, plans for the management and improvement of the common school fund, and for ameliorating the condition of the common schools ; an exhibit showing the number of children in each school district between the ages of five and eighteen years, attending school in each district, and the number of schools in each county according to the reports made to him by the several county superintendents throughout the State ; and also, all such other matters relating to his office, as he may deem expedient to communicate. Secondly, He shall annually apportion the school moneys to be distributed amongst the several counties of the State, which apportionment shall be made to the several counties in proportion to the number of white children between the ages of five and eighteen years, attending school in each county. Third, He shall certify each apportionment made by him to the Comptroller, and shall give immediate notice thereof to the county superintendent in each county, stating the amount of moneys apportioned to his county, and the time when the same will be payable to him. Fourth, He shall cause printed forms and instructions, on all matters relating to the school system, to be transmitted to the several counties, as he shall deem requisite ; and also, furnish each school district with a copy of this act, and of all alterations in the same which may hereafter be made. Fifth, He shall hear and decide appeals, as hereinafter provided. Sixth, He shall perform such other duties as may, from time to time, be required by law of him. Duty of Superintendent of schools.

SEC. 4. *Be it further enacted,* That all reasonable expenses incurred by him, in the execution of his duties, shall, upon due proof, be allowed to him by the Comptroller, and be paid out of the Treasury : *Provided,* Said expenses do not exceed the sum of three hundred dollars. Expenses paid out of the treasury.

ARTICLE II.

SEC. 1. *Be it further enacted,* That the Judges of Probates shall, by virtue of their office, superintendents of schools for their several counties. Judges of Probates.

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Sum to be distributed annually.

SEC. 2. *Be it further enacted*, That the sum annually to be distributed for the support of common schools, shall be paid on the first day of September in every year, on the warrant of the Comptroller to the county superintendent of the several counties, who shall apply for and receive the school moneys apportioned to their respective counties as soon as the same becomes payable.

Notice of amt't apportioned.—
Duty of commissioners.

SEC. 3. *Be it further enacted*, That the county superintendent shall lay before the next meeting of the board of county commissioners in their respective counties, notice of the amount so apportioned to said counties; and it shall be the duty of the board of county commissioners, at such meeting, and annually thereafter, to add to the sums to be raised in said county, for other county purposes, a sum which, in their judgment, they may deem proper: *Provided*, Said sum shall not exceed double the amount of school moneys which shall have been apportioned to such county; which moneys, so added together, with the fees of the collector, shall be levied and collected in the same manner as other moneys directed to be raised in the county.

Collector of each county.

SEC. 4. *Be it further enacted*, That the commissioners shall require the collector of each county by their warrant to him, to pay whatever moneys are collected, (retaining his fees for collection,) to the county superintendent in each county, whose receipt shall be sufficient evidence of such payment.

Duties of c'ty superintendent's

SEC. 5. *Be it further enacted*, That it shall be the duty of the county superintendent: First, within thirty days from the time of being notified of the amount of school money apportioned to his county, to file with the clerk of the Circuit Court a bond, with one or more sufficient sureties, to be approved by the said clerk, in a penalty double the amount of school money which his county will probably receive from all sources during the current year, conditioned for the faithful application and legal disbursement of all the school money coming to his hands; and in case such bond shall not be executed and filed as aforesaid within the time specified, the office shall be deemed vacant; the board of county commissioners shall fix the amount for which the first bond shall be given by the county superintendent under this act. Second, to divide his county into a convenient number of school districts; a neighborhood lying in two or more different counties may be formed into one district by the county superintendent of several counties in which such district is to be established; and they shall have power to regulate and alter the same; every district so formed shall be deemed to be in the counties in which the school-house may be situated, for the purpose of making reports and the visitations of the county superintendent, the moneys to which the same shall be entitled shall be paid over respectively by each county superintendent. Third, it shall be the duty of the county superintendent to describe and number the school districts, and to deliver the description and number thereof in writing to the clerk of the Circuit Court of the county, to be recorded in his office immediately after the

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formation or alteration thereof, to apply and receive from the State Treasurer, and from the collector of the county, all school moneys for his county, as soon as the same become payable or be collected, to apportion the school money received by him on or before the first Monday in April of each and every year, among the several school districts within his county, in proportion to the number of children attending school in each, over the age of five and under the age of eighteen years, as the same shall have appeared from the last annual report of their respective Trustees: *Provided, nevertheless,* That the first distribution of said moneys shall be made according to the best information in the power of said county superintendent, to sue for and collect by name of office, all penalties imposed upon officers of districts, or otherwise appropriated to school purposes, and add the same when recovered, to the school fund.*

SEC. 6. *Be it further enacted,* That in making the apportionment of moneys among the several school districts, no share shall be allotted to any district or part of district from which no such sufficient annual report shall have been received for the year ending the last day of December, immediately preceding such apportionment, nor where trustees have failed to be elected, or where no school-house, room or place is provided, or where the said trustees shall have failed to make the necessary allotment and assessment for school rates as hereinafter provided.

No share to be allotted to certain districts.

SEC. 7. *Be it further enacted,* That it shall be the duty of the county superintendent of each county, between the first day of July and the first day of October in each year, to make out and transmit to the State superintendent, a report in writing, bearing date on the first day of July, and stating, first, the whole number of school districts set off within his county; second, the districts which shall have made their annual return to him within the year; third, the length of time that a school has been kept in each district, and whether male or female teachers were employed; fourth, the number of children taught in each; fifth, the number of children over the age of five and under the age of eighteen years residing in each; sixth, the amount of public moneys allotted each of said districts, as, also, the amount of moneys received by him from all sources, and how expended.

County superintendent to make report.

SEC. 8. *Be it further enacted,* That the county superintendent of each county shall keep a true and just account of the moneys received and expended by him, and lay the same before the board of county commissioners at their next meeting after the first day of July in each year; and at the expiration of his term of office shall pay over all moneys in his hands to his successor in office, who is authorized to sue for the same by his name of office, and recover the same with twenty-five per cent. damages for the detention of the same, to be added to the amount recovered.

Acc't of moneys to be kept

SEC. 9. *Be it further enacted,* That the county superintendents

* NOTE.—There is manifestly a mistake in the enrolled bill, as the latter part of this proviso has no meaning.

1848. of the respective counties shall be inspectors of common schools for their said counties, and shall examine all persons offering themselves as candidates for teaching common schools in such county—and if satisfied of the qualifications of the candidate in respect to moral character, learning, and ability, shall give such candidate a certificate thereof, and shall have power to annul such certificate for sufficient cause at any subsequent time.
- Examination of teachers.
- Visitors of schools. SEC. 10. *Be it further enacted*, That it shall be the duty of the county superintendent to visit each common school within his county, at least once a year, and endeavor to promote an interest in the cause of education in parents, teachers, and pupils.
- Contract with and employ'm't of teachers. SEC. 11. *Be it further enacted*, That it shall be the duty of the county superintendent, upon the request in writing of any two trustees of any school district, to contract with and employ a teacher for such district, to fix the rate of wages, and to pay the wages of such teacher when due out of the fund apportioned to such district; and should the sum apportioned to such district be insufficient to pay the full amount of the same, he shall certify to the trustees of the said district the amount of the balance to be raised by the district, in the manner hereinafter provided.
- Superint'nd't refusing to report. SEC. 12. *Be it further enacted*, That, if any county superintendent shall refuse to make the report to the State Superintendent, as herein required of him, and in consequence thereof his county shall lose its proper portion of the school moneys for any year, or shall refuse or neglect to apply for, apportion, and pay over such moneys, as herein required of him, such person shall be liable to each school district for its proper proportion of such school moneys, and in addition thereto, a penalty of twenty-five dollars, to be sued for in an action of debt or *assumpsit*, in the name of the trustees, before any court having jurisdiction thereof.
- Pay of superintendent. SEC. 13. *Be it further enacted*, That the county commissioners shall allow to the county superintendent a remuneration sufficient to cover the expenses necessarily incurred in the discharge of the duties of his office, and such other remuneration as they may think reasonable and proper, and paid as other county expenses.
- Ref'l of Judge of Probates. SEC. 14. *Be it further enacted*, That should the Judge of Probate refuse to perform the duties required of him by this act, the county commissioners may elect or appoint a person to perform said duties; the person elected or appointed, to give the same bond as is herein required of Judge of Probate, and to receive the same remuneration as would be allowed the Judge of Probate.

ARTICLE III.

- Inhabitants to elect trustees. SEC. 1. *Be it further enacted*, That, whenever any school district shall be established in any county by the county superintendent, and whenever, from any cause, a school district shall be without trustees, it shall be his duty to appoint a time and place for the meeting of the inhabitants of such district, to elect trustees and other officers, and

to cause such notice thereof to be given as he may deem necessary.

SEC. 2. *Be it further enacted*, That every person who is liable to taxation upon his property, shall have the right to vote at such meeting. 1848.
Right to vote.

SEC. 3. *Be it further enacted*, That the inhabitants so entitled to vote, whenever assembled in pursuance of the aforesaid notice, or whenever lawfully assembled at any other district meeting, shall have power by a majority of the votes of those present—first, to appoint a moderator for the time being. Second, to adjourn, from time to time, as occasion may require, to choose a district clerk, a district collector, and at the first meeting under this act, three trustees, who shall draw lots among themselves for their term of office—the expiration of the term of office of one shall be three years, that of the second two years, and the third one year; and annually thereafter one trustee only shall be elected, who shall hold his term of office for three years; and said officers shall, respectively, in case of failure to elect, hold their said offices until their successors are elected. If so voted by the meeting, the office of clerk can be filled by one of the trustees. Fourth, to appoint the time and place of holding annual meetings. Fifth, to designate a site for the district school house, or houses, should more than one be required. Sixth, to vote and lay such tax on the taxable inhabitants of the district as the meeting shall deem sufficient to purchase or lease a suitable site for a district school house or houses, and to build, hire, or purchase such school house or houses, and to keep in repair and furnish the same with necessary fuel, furniture, and appendages. Seventh, to repeal, alter, and modify their proceedings, from time to time, as occasion may require. Powers of inhabitants.

SEC. 4. *Be it further enacted*, That no tax to be voted by a district meeting for building, buying, or purchasing a school house, shall exceed the sum of three hundred dollars, unless the superintendent of the county shall certify in writing his opinion that a larger sum ought to be raised, and shall specify the sum; in which case, a sum not exceeding the sum so specified shall be raised. Sum for sch'l house to be limited.

SEC. 5. *Be it further enacted*, That, whenever a school house shall have been built or purchased for a district, the site of such school house shall not be changed, nor the building thereon be removed, without the consent in writing of the county superintendent. Site not to be changed.

SEC. 6. *Be it further enacted*, That when a new district shall be formed from one or more districts possessed of a school house or other property, the county superintendent shall, at the time of forming such new district, ascertain the amount justly due to it from the district or districts from which it may have been formed, as its proportion; which shall be ascertained according to the taxable property of the inhabitants of the respective portions at the time of the division, by the best evidence in the power of the county superintendent, deducting the amount of any debts owing. New districts formed.

SEC. 7. *Be it further enacted*, That such proportion, when ascer-

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Proportion,
how to be le-
vied, &c.

tained, shall be levied, raised, and collected, with the fees of collection, by the trustees of the district retaining the school house or other property of the former district, upon the taxable inhabitants of their district, in the same manner as if the same had been authorized by a vote of their district for building a school house; and when collected, shall be paid to the trustees of the new district, to be applied by them towards procuring a school house for their district; and the moneys so paid to the new district shall be allowed to the credit of the inhabitants who were taken from the former district, in reduction of any tax that may be imposed for a school house.

Duty of clerk
of school dis't.

SEC. 8. *Be it further enacted*, That it shall be the duty of the clerk of each school district to record the proceedings of district school meetings in a book to be provided by the district—to give notice of special, adjourned and annual meetings—to preserve and keep the records, books, and papers of his office, and deliver them to his successor, and also to take charge of the school library, when there shall be one.

Refusal of of-
fice of trustee.

SEC. 9. *Be it further enacted*, That every person duly elected to the office of trustee, who, without sufficient cause, shall refuse to serve therein, shall forfeit the sum of twenty dollars; and not having refused to accept, shall neglect the duties of his office, shall forfeit the sum of ten dollars.

Vacancy in
said office.

SEC. 10. *Be it further enacted*, That in case of vacancy from any cause in the office of trustee, if the same shall not be supplied by a district meeting within one month thereafter, the county superintendent may appoint any suitable person residing in such district to fill such vacancy.

Duty and pow-
ers of trustees
of school dis-
tricts.

SEC. 11. *Be it further enacted*, That it shall be the duty of the trustees of every school district, and they shall have the power—
First, To call special meetings of the inhabitants of such district liable to pay taxes, whenever they shall deem it necessary and proper.
Second, To direct their clerk to give notice of special, annual and adjourned meetings, by affixing a notice in writing, of the time and place for such meetings, upon the outer door of the school house, if there be a school house; if not, then upon some frequented public place, at least six days before the time appointed for such meeting. If there be more than one school house in the district, there shall be a notice affixed to the outer door of each.
Third, To apportion the tax, voted by any district meeting, among the taxable inhabitants of the district, in proportion and according to the quantity and value of the taxable property owned by each of them, ascertained, as far as possible, from the last State assessment roll of the county.
Fourth, To make out a tax list of every such tax, containing the names of the persons taxed, and the amount of tax payable by each, set opposite his name.
Fifth, To annex to such list a warrant directed to the collector of the district, for the collection of the sums in such list mentioned, with two and a half cents on each dollar, for his fees.
Sixth, To purchase or lease a site or sites for the district school

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house or houses, as designated by a meeting of the district; and to build, hire or purchase, keep in repair and furnish such school house or houses, with a library or libraries, and other necessary appendages, out of the funds collected and paid to them for such purpose. Seventh, To have the custody and safe-keeping of the school house or houses. Eighth, To notify the county superintendent of the wish of their district for a teacher or teachers, and to recommend to him such teacher or teachers as they might think would suit the inhabitants of their district, to collect the residue of the wages of such teacher or teachers not provided for, out of the State and county school funds, by rate bills. Ninth, To make out a rate bill, in which each person shall be charged such proportion of the whole amount to be raised, as the number of children sent by him bears to the whole number of children having been in attendance upon school for the term; and to said bill, shall also add two and a half cents for each dollar, to be collected from each, to be collected by the collector for the fees of such collection. Tenth, To deliver such rate bill, with the warrant annexed, to the collector of the district, who shall execute the same in like manner with other warrants, directed by them to him. Eleventh, To exempt from the payment of teachers' wages, such indigent persons, within the district, as they shall think proper, and to certify to the collector such exemptions. Twelfth, To ascertain, by examination of the school lists kept by the teachers, the number of children, days and length of time for which each person, not so exempted, shall be liable to pay for instruction or tuition, and the amount payable by each; the parent or guardian of every child withdrawn from school, without cause just and satisfactory to the trustee, shall be liable, unless exempted as indigent, for at least three months' tuition, if the term or session should so long continue. Thirteenth, To appoint a district clerk and collector whenever either of these offices become vacant, such clerk or collector, so appointed, to hold his office till the next district meeting. Fourteenth, To apply all moneys, received for the purpose, to the payment of the teachers' wages, salary or charges for tuition, as soon as the said wages, salary or charges for tuition become due. Fifteenth, When there is more than one school in a district, to apportion the children among the several schools.

SEC. 12. *Be it further enacted*, That every taxable inhabitant of a district, who shall have been, within five years, set off from any other school district by the county superintendent, without his consent, and shall, within that period, have actually paid in such other district, under a lawful assessment therein, a district tax for building a school house or houses, shall be exempted, by the trustees of the district where he shall reside, from the payment of any tax for building a school house or houses therein.

Persons who
are exempt fm
school-tax.

SEC. 13. *Be it further enacted*, That every district tax shall be assessed, and the tax list thereof be made out, by the trustees, within one month after the district meeting, in which the tax shall have been voted.

Tax list made
out by trustees

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Inhab'ants not
paying.

SEC. 14. *Be it further enacted*, That the warrant annexed to any tax list or rate bill, shall be under the hands and seals of the trustees or a majority of them, and shall command the collector to collect, from every person in such tax list or rate bill named, the sum set opposite his name; and in case any inhabitant shall not pay such sum on demand, to levy the same of his goods and chattels, in the same manner as an execution issued by a justice of the peace, together with his fees, and to make a return of such warrant within thirty days after the receipt thereof.

Trustees may
sue for the s'm
due.

SEC. 15. *Be it further enacted*, That, if the sum or sums of money payable by any person named in such tax list or rate bill, shall not be paid by him, it shall and may be lawful for the trustees to renew such warrant, in respect to such delinquent person; or in case such person shall not reside within their district at the time of making out such tax list or rate bill, or shall not reside therein at the expiration of such warrant, and no goods, or chattels, or lands can be found therein, whereon to levy the same, the trustees may sue for and recover the same in their name of office.

Where there is
no property o-
ther than real
estate.

SEC. 16. *Be it further enacted*, That, where no property other than real estate can be found within such district, whereon to levy the same, the tax collector of such district shall send the amount due thereon to the tax collector of the county, who shall be required to collect the same, in the same manner as other taxes in his county, adding thereto the expenses of collection—and when so collected, shall pay over the same to the collector of such school district.

Bond of Tax
Collector.

SEC. 17. *Be it further enacted*, That the tax collector of each school district shall give bond in the sum of five hundred dollars to the trustees by their name of office, conditioned for the faithful performance of the duties therein required.

Moneys lost
by neglect.

SEC. 18. *Be it further enacted*, That, if by the neglect of the collector, any moneys shall be lost to the district which might have been collected, within the time limited in the warrant delivered to him for their collection, he shall forfeit to his district the full amount of the moneys thus lost, and shall account for and pay over to the trustees such moneys, in the same manner as if they had been collected, and the trustees may recover the same in an action of debt or *assumpsit*, in their names, before any court having jurisdiction thereof.

Trustees to re-
port.

SEC. 19. *Be it further enacted*, That the trustees of each school district, or a majority of them, shall, after the first day of January in every year, and on or before the first day of March thereafter, make and transmit a report in writing to the county superintendent for such county, dated on the first day of January, of the year in which it shall be transmitted.

What such re-
port shall spe-
cify.

SEC. 20. *Be it further enacted*, That every such report shall specify—first, the whole time any school or schools have been kept in their district during the year ending on the day previous to the date of such report. Second, the amount of moneys received during such year, and the manner in which such moneys have been expended.—

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Third, the number of children taught during the year. Fourth, the number of white children residing in the district, on the first day of December previous to the making of such report, over the age of five and under the age of eighteen years, and the names of the parents or other persons with whom such children shall respectively reside, and the number of children residing with each.

SEC. 21. *Be it further enacted*, That all property now vested in the trustees of any school district for the use of schools in the district, or which may be hereafter transferred to such trustees for that purpose, shall be held by them as a corporation. Trustees to hold as a corporation.

SEC. 22. *Be it further enacted*, That the trustees of each school district shall, on the expiration of their offices, render to their successors in office, and to the district, at a district meeting, a just and true account, in writing, of all moneys received by them, respectively, for the use of their district, and of the manner in which the same shall have been expended, which account shall be recorded in the district record book, to be provided for entering all the acts and proceedings of district meetings, and which district record book shall be kept by the clerk and delivered over to his successors. Trustees to render acc't.

SEC. 23. *Be it further enacted*, That any balance of such moneys which shall appear, from such account, to remain in the hands of the trustees, or either of them, at the time of rendering the account, shall immediately be paid to some one of their successors in office. Mon'y's in h'nd paid to successors.

SEC. 24. *Be it further enacted*, That every trustee who shall refuse or neglect to render such account, or to pay over any balance so found in his hands, shall, for each offence, forfeit the sum of twenty-five dollars. On refusal to account.

SEC. 25. *Be it further enacted*, That it shall be the duty of his successors in office to prosecute, without delay, in their name of office, for the recovery of such forfeiture; such forfeit money to be added to the fund of the district. They shall also sue for and recover any unpaid balance in the hands of a former trustee or his representatives; and shall be entitled to recover twenty-five per cent. interest on the balance so unpaid. Successors, duty of.

SEC. 26. *Be it further enacted*, That all bonds or securities, taken by the trustees from the collector of their district, shall, on the expiration of their office, be delivered over to their successors in office. Bonds, &c. to be delivered to successors.

SEC. 27. *Be it further enacted*, That the collector of each school district shall be allowed two and a half cents on every dollar collected and paid over by him; and it shall be his duty to collect and pay over to the trustees of his district, or some one of them, all moneys which he shall be required by warrant to collect, within the time limited by such warrant for its return, and take a receipt therefor. 2½ per ct. allowed to collector.

SEC. 28. *Be it further enacted*, That the trustees of every school district shall be required to prosecute and sue for all moneys due their district, not paid over by the collector of the county or of their district, in the same manner as prescribed in the twenty-fifth section of this chapter, relative to former trustees. Moneys not paid over by collectors.

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SEC. 29. *Be it further enacted,* That every trustee of a school district, who shall sign a false report to the county superintendent, with intent of causing such county superintendent to apportion and pay to his district a larger sum than its just proportion of the school moneys, shall, for each offence, forfeit to the county twenty-five dollars, recoverable upon suit brought by the county superintendent, in his name of office, and shall also be deemed guilty of a misdemeanor.

SEC. 30. *Be it further enacted,* That any person considering himself or herself aggrieved in consequence of any decision made, any act done by any school district meeting, or by the trustees of any school district, or the refusal of such trustees to do any act or perform any duty required by him or her, may appeal to the county superintendent, whose decision thereon, after a hearing of the parties, shall be final.

SEC. 31. *Be it further enacted,* That the trustees of any school district, or any other persons, conceiving themselves aggrieved by the county superintendent in forming, altering, or in refusing to form or alter any school district, may appeal to the State Superintendent, whose decision thereon shall be final.

SEC. 32. *Be it further enacted,* That it shall be the duty of every teacher hereafter employed to teach a common district school, to enter in a book to be provided by the district clerk, the names of all the children attending school, their ages, the date when they commence, the length of time they continue, and keep a table showing the daily attendance; which book shall at all times be open to the inspection of all persons interested, and be delivered over by the teacher to the district clerk at the expiration of the term of school; and the teacher shall, as often as once in three months, make an abstract of said record, showing the whole number of pupils enrolled, and the average daily attendance, distinguishing the number of males and females, and deposit the same with the clerk of the district; and it shall be unlawful to pay any teacher more than two-thirds the amount due for any term of tuition, until said abstract shall be placed in the hands of the district clerk, as aforesaid.

[Passed House of Representatives, December 22d, 1848. Passed the Senate December 30th, 1848. Approved, January 10, 1849.]

CHAPTER 230.—No. 22.

AN ACT to provide for the sale of the sixteenth sections granted by Congress to the State, for the support of Public Schools, and for consolidating the School Fund.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida, in General Assembly convened,* That the Register of Public Lands shall have the care and management of all lands granted to the State for the support of public schools, whether sixteenth sections or lands selected in lieu of sixteenth sections.

tions, and shall sell and dispose of the same whenever, in his opinion, it is expedient to do so—the sale of said lands to be made subject to all the rules, regulations, and restrictions which are now, or may hereafter be, imposed upon the sale of seminary lands.

1848.
Rules, &c. of
such sale.

SEC. 2. *Be it further enacted*, That the proceeds of all sales of school lands, and all moneys belonging to the common school fund, shall be paid into the treasury of the State.

Proceeds paid
into Treasury.

SEC. 3: *Be it further enacted*, That all laws requiring a separate account to be kept with each township in relation to lands, and all laws and parts of laws inconsistent with the provisions of this act, are hereby repealed.

Repeal.

[Passed Senate, December 20, 1848. Passed House of Representatives, December 22, 1848. Approved by the Governor, December 28, 1848.]

CHAPTER 231.—[No. 23.]

AN ACT to provide for the increase, investment, safe-keeping, and disbursement of the Common School Fund.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That the five per centum of the nett proceeds of the United States lands within the State, granted by Congress to the State for the purposes of education; and also the proceeds of the sales of the school lands or sixteenth sections in the State, or the lands that may be selected in lieu thereof—together with the proceeds of all estates, real or personal, escheating or reverting to the State, on account of a defect of heirs, or next of kin; and the nett proceeds, after the payment of salvages and other expenses, of all property found on the coasts or shores of the State, or brought into the State or its ports, as wreck or derelict of the seas, in the sense of maritime law, and for which no owner shall appear and establish his claim within a year and a day—together with such grants or additions as may, in any manner, hereafter be made thereto, shall constitute a permanent and common fund, to be called the School Fund, the interest or income of which shall be inviolably applied to the support of Common Schools throughout the State.

What shall
constitute the
school fund.

SEC. 2. *Be it further enacted*, That the proceeds of all sales of school lands, and all moneys belonging to the Common School Fund, shall be paid into the treasury of the State.

Proceeds to be
paid into the
Treasury.

SEC. 3. *Be it further enacted*, That the Treasurer shall keep a separate and distinct account of all receipts and disbursements on account of the School Fund—which account shall show whether the receipt or disbursement be on account of the capital or interest of such fund.

Treasurer to
keep an acc't.

SEC. 4. *Be it further enacted*, That, whenever there shall be in the Treasury any money belonging to the capital of the School Fund, it shall be the duty of the Comptroller to invest the same in the pub-

1848.

Comptroller's
duty as to cap-
ital of sch'l fund

lic stocks of this State, or of the United States, as either mode of investment shall be deemed by the Comptroller and the Governor most advantageous to such fund; the assent of the Governor to be given in writing, and to be recorded in a book to be kept by the Treasurer for that purpose.

Repeal.

SEC. 5. *Be it further enacted*, That all laws and parts of laws inconsistent with the provisions of this act are hereby repealed.

[Passed the Senate, January 1, 1849. Passed the House of Representatives, January 5, 1849. Approved by the Governor, January 9, 1849.]

CHAPTER 232.—[No. 24.]

AN ACT to prevent trespass on the School, Seminary, and Internal Improvement Lands, and to recover damages for the use and occupation of the same.

Trespass on
school lands to
be pres'nt'd by
Grand Jury.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida, in General Assembly convened*, That it shall be the duty of the Judges of the Circuit Courts to charge the Grand Juries of their respective counties within their districts—to present all and every person who shall hereafter trespass upon the public lands of this State, to the damage or injury of the same, whether the same are for the support of schools, seminaries, or internal improvements.

Fine of person
convicted.

SEC. 2. *Be it further enacted*, That, on every such presentment, it shall be the duty of the Solicitor to prosecute the person or persons presented, in the name of the State, and, upon conviction, the person or persons convicted shall pay the costs, and a fine equal to four times the amount of damage sustained by the State on account of said trespass.

Solicitor's du-
ty to bring ac-
tion for use of.

SEC. 3. *Be it further enacted*, That it shall be the duty of the Solicitors of the several circuits, to bring such actions for the use and occupation of the above-mentioned lands, as he may be directed to bring by the Register of Public Lands, and to prosecute said suits to a final recovery.

Moneys obt'nd
by such pro-
ceedings.

SEC. 4. *Be it further enacted*, That the money obtained by the proceedings above mentioned, shall be paid by the sheriffs of the several counties into the Treasury of the State; and on failure so to do, after a reasonable notice, to be judged of by the Register, the said sheriff shall be held liable on his bond for double the amount withheld; and it shall be the duty of the Solicitor to sue upon his bond, upon the request of the Register so to do.

[Passed the Senate, January 6, 1849. Passed the House of Representatives, January 9, 1849. Approved by the Governor, January 13, 1849.]

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